

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

Mary M. Zapata (Individually and as
Administrator of the Estate of Jaime J.
Zapata), et al., §
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Plaintiffs, § Case No. 1:16-cv-00030
v. §
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HSBC Holdings plc, et al., §
§
§
Defendants. §
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PLAINTIFFS' REQUEST FOR COURT CONFERENCE

Plaintiffs respectfully request that the Court hold a conference to discuss, among other things, the scope of discovery pending the Court's ruling on Defendants' motion to transfer venue and dismiss.

BACKGROUND

On February 9, 2016, Plaintiffs initiated this action against Defendants under the civil remedy provision of the Anti-Terrorism Act (ATA), 18 U.S.C. § 2333, for knowingly providing material support to the terrorist activities of the Sinaloa, Los Zetas, and Juarez Drug Cartels in the form of billions of dollars of money laundering services. On February 19, 2016, the Court issued an Order Setting Conference (Doc. No. 12) setting the initial pretrial conference for May 31,

2016. Pursuant to that order, on May 9, 2016, the parties held their conference under Rule 26(f) of the Federal Rules of Civil Procedure.

On May 16, 2016, the Court held a conference at the request of Defendants to discuss the briefing schedule on Defendants' motion to transfer venue and dismiss under Rule 12(b)(2) and 12(b)(6). The Court ordered that the parties fully brief Defendants' motion related to venue and jurisdiction prior to briefing their motion to dismiss under Rule 12(b)(6). (Doc. Nos. 38 and 44). The Court also cancelled the initial pretrial conference scheduled for May 31, 2016, and ordered that Plaintiffs may proceed with discovery on venue and jurisdiction issues. *Id.*

On June 3, 2016, Defendants filed their motion to transfer and to dismiss (Doc. No. 45). Briefing on the jurisdictional and venue issues was completed on July 22, 2016, and the parties are awaiting a ruling on those issues.

Further, on May 18, 2016, Plaintiffs served Defendants with their First Request for Production of Documents and First Set of Interrogatories. Defendants, however, have categorically refused to answer any interrogatories or provide any documents.

REQUEST FOR CONFERENCE

The parties will benefit from a conference to discuss the scope of discovery and how the case should proceed going forward. The case has been pending for 15 months, and, despite the Court's order that discovery may proceed on jurisdiction and venue issues, Plaintiffs have yet to receive any discovery from Defendants. This is due, in large part, to a fundamental disagreement between the parties as to the scope of discovery. Therefore, the parties would benefit from the Court's guidance on the scope of jurisdictional and venue discovery, which, by the very nature of the allegations, overlaps significantly with issues pertaining to the merits. Alternatively, Plaintiffs

would like to address the possibility of proceeding on merits discovery, at least on a limited basis, as this case has been pending for some time, and Plaintiffs would like to take some measures to advance the case while the Court addresses the preliminary motions.

Dated: May 22, 2017

Respectfully Submitted,

/s/ Richard M. Elias

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 22nd day of May, 2017 a copy of the foregoing was served upon all counsel of record through the Court's CM/ECF system.

/s/ Richard M. Elias

Richard M. Elias